

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 03-CR-10331 (RGS)

vs.

IVAN VELEZ,

Defendant.

**STIPULATED MOTION TO CONTINUE ARRAIGNMENT ON  
SUPERSEDING INDICTMENT**

COMES NOW the defendant, Ivan Velez, by and through undersigned counsel, and files this his Motion to Continue Arraignment on Superseding Indictment scheduled for Friday, October 8, 2004 at 2:15 p.m., and, as good grounds, states as follows:

1. The Defendant is scheduled to be arraigned before this Honorable Court on Friday, October 8, 2004 at 2:15 p.m. on a Superseding Indictment in the above-styled cause.
2. The undersigned has been advised by AUSA Lie that yet another Superseding Indictment will be sought, within the next week, in this matter in light of the *Blakely* decision. Therefore, judicial economy would warrant this matter be rescheduled.
3. The Defendant does not object to the granting of the instant motion, and respectfully request he be excused from attendance at the arraignment as he has employment obligations. The Defendant has been advised regarding his right to be present at arraignment, and elects, if this Honorable Court would so allow, to waive his right to be present.
4. The Defendant agrees to a finding that this period of time is excludable under the Speedy Trial Act.

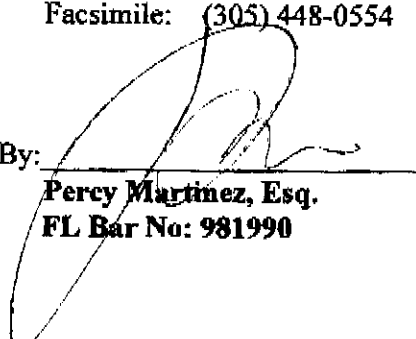
5. Assistant United States Attorney Cynthia W. Lie joins the instant motion.

**WHEREFORE** the defendant prays this Honorable Court reschedule this matter for the afternoon of Monday, October 18, 2004.

**DATED** this 6th day of October 2004.

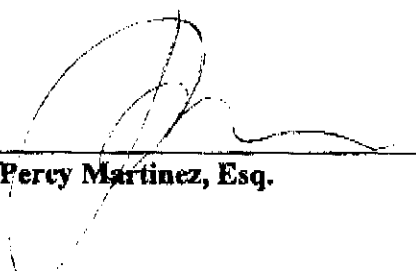
Respectfully submitted,

**PERCY MARTINEZ, P.A.**  
Attorneys for the Defendant VELEZ  
2 Alhambra Circle, Suite 801  
Coral Gables, Florida 33134  
Telephone: (305) 529-0001  
Facsimile: (305) 448-0554

By:   
\_\_\_\_\_  
**Percy Martinez, Esq.**  
**FL Bar No: 981990**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing motion was mailed/faxed to **Cynthia Lie**, Assistant United States Attorney at the Office of the United States Attorney, Boston, Massachusetts on this 6<sup>th</sup> day of October 2004.

By:   
\_\_\_\_\_  
**Percy Martinez, Esq.**